



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/039,905	01/04/2002	Blake L. Reynolds	8614.61	8720

21999 7590 09/08/2003
KIRTON AND MCCONKIE
1800 EAGLE GATE TOWER
60 EAST SOUTH TEMPLE
P O BOX 45120
SALT LAKE CITY, UT 84145-0120

EXAMINER

AKERS, GEOFFREY R

ART UNIT	PAPER NUMBER
----------	--------------

3624

DATE MAILED: 09/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No. <u>10/039905</u>	Applicant(s) <u>Rogers</u>
Examiner <u>Ally G</u>	Art Unit <u>3624</u>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 8/18/03
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12, 18-23 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12, 18-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ | 6) <input type="checkbox"/> Other: |

Art Unit: 3624

DETAILED ACTION

Response to Amendment

1. This action is issued in response to applicant's Amendment A(Paper #6) filed 8/18/03.
2. Claims 13-17 were canceled.No new claims were added. Claim 18 was amended.
3. Claims 1-12,18-23 as amended, are pending.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-12,18-23 are rejected under 35 USC 103(a) as unpatentable over Brown(US Pat. No: 6,151,586) in view of Chusid(US Pat. No: 5,870,720).
6. As per claims 1-12,18-23 Brown teaches a reward system for encouraging participation(Abstract) in a customized program(col 2 line 61-col 3 line 11).Brown further discloses determining eligibility and rewarding accordingly(Fig 15B) as well as receiving credit for a good/service(Fig 15B/430) and allocating the reward(Fig 18).Brown further teaches a computerized reward system for individual participation in an endeavor and performance compliance(Abstract)(Fig 10)(Fig 12)(Fig 15B)(Fig 18)(Fig 29B/628/630)(Fig 31/714/712)(col 14 lines 20-30)(col 22 lines 6-17)(col 23 lines 45-57). Chusid teaches a method of restructuring

Art Unit: 3624

debt(Abstract) as well as collection performance(Fig 2/210) as well as a face amount of the debt(Fig 2/202).Chusid further teaches determining each shareholder's pro rata share of the monthly assessment for restructuring and extinguishing a debt(Fig 3/300/302/304/306)(col 13 line 7-col 14 line 58).Chusid teaches amortization and collecting on a debt(col 10 line 20-col 12 line 63). It would have been obvious to one skilled in the art at the time of the invention to combine Brown in view of Chusid to teach the invention and to specifically apply this reward system for performance in the collection of a debt. The motivation to combine is to teach an effective debt restructuring program by reducing a purchaser's share of a mortgage (col 4 lines 51-52) as enunciated by Chusid and applied to incentive systems for successful participation and performance in loan reduction and amortization.

Claim Rejections - 35 USC § 101

7. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

8. Claims 21-23 are rejected under 35 USC 101 as they lack defining a concrete, useful and tangible result in terms of a specified output.

Art Unit: 3624

Response to Arguments

9. Applicant's arguments filed 8/18/03 have been fully considered but they are not persuasive. Chusid also teaches a method of debt collection (Fig 2/210) as well as on a face amount of the debt (Fig 2/202). Chusid further teaches determining each shareholder's prorata share of the monthly assessment for restructuring and extinguishing a debt (Fig 3/300/302/304/306) (col 13 line 7-col 14 line 58). Chusid teaches collecting on a debt (col 10 line 20-col 12 line 63). Brown discloses determining eligibility and rewarding accordingly (Fig 15B) as well as receiving credit for a good/service (Fig 15B/430) and allocating the reward (Fig 18, lines 18-60) for performance. Brown further teaches a computerized reward system for individual participation in an endeavor and compliance and performance (Abstract) (Fig 10) (Fig 12) (Fig 15B) (Fig 18) (Fig 29B/628/630) (Fig 31/714/712) (col 14 lines 20-30) (col 22 lines 6-17) (col 23 lines 45-57). The references together may be applied to teaching issuing rewards for performance in collecting funds and amortizing a debt.

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period

Art Unit: 3624

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

11. Any questions concerning this communication should be addressed to the primary examiner of record, Dr. Geoffrey Akers, P.E., who can be reached between 6:30 AM and 5:00 PM Monday through Friday at 703-306-5844. If attempts to contact the primary examiner are unsuccessful, the primary examiner's superior, Mr. Vincent Millin, SPE, may be telephoned at (703)-308-1065.

GRA

September 6, 2003

W GEOFFREY R. AKERS, P.E.
PRIMARY EXAMINER